

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of

Section 68.4(a) of the Commission's Rules
Governing Hearing Aid-Compatible
Telephones

WT Docket No. 01-309
RM-8638

COMMENTS OF THE CONSUMER ACTION NETWORK

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January 11, 2002

The Consumer Action Network (CAN) hereby submits its comments for the Federal Communications Commission, WT Docket No. 01-309. The Consumer Action Network (CAN) is a coalition of national organizations representing a wide continuum of deaf and hard of hearing people, including those who are deaf-blind and late-deafened.

The Consumer Action Network strongly supports requiring public mobile service telephones to be hearing aid compatible. This means that the exemption for such telephones should be revoked.

There are over 28 million deaf and hard of hearing individuals in the United States, a significant portion of which uses hearing aids. Such a sizable group should not be excluded from a critical form of telecommunication, particular one that has experienced explosive growth and technological advances in recent years.

Technical Standards

The CAN agrees with and supports the Commission's interpretation that the statute will require the industry to develop technical standards for compatibility between covered wireless devices and hearing aid. However, it is the CAN's interpretation that such standards do not have to occur *after* any revocation or limitation of the exemption.¹ Furthermore, the FCC must approve any standards developed by the industry. This is to ensure that the industry-developed standards are sufficient to satisfy the statutory requirements.

Interpretation of Internal Means

The CAN agrees with and supports the Commission's interpretation that the term *internal means* requires telephone technology for hearing aid compatibility must be provided within the telephone and not through external, add-on components.

Public Interest and Effect on Deaf and Hard of Hearing Individuals

The CAN believes that revocation (or limitation) is in the public interest as required by the HAC Act. The Commission is now considering phasing out analog service requirements. Even if the Commission (as they should) decides against such action, phasing out such requirements may still occur in the near future. With the explosion of digital telephones, features and services, it is critical to remove the exemption quickly to ensure that technological advances for hearing aid compatibility is maintained at the same pace as technological advances for digital telephone services. A failure to remove the exemption could, if not already, irreparably delegate hearing aid compatibility technology to forever lag behind technological advances in other area of digital telephone services. Such a lag will ensure that deaf and hard of hearing people will be unable to receive equivalent access and services as their hearing counterparts. Technology advances in telephone services are often tied to education, employment and accumulation of information and knowledge. In light of the rapid growth the numbers of senior citizens, the number (frequently referred to as 28 million) of deaf and hard of hearing people will quickly expand. A continuance of the exemption will serve to exclude and segregate those who need access to such telephone services.

Technology Feasibility and Effect Upon Marketability.

It is the responsibility of the Industry to identify solutions to make digital wireless telephones compatible with hearing aids. The CAN believes that the industry has given minimal effort in achieving technology feasibility and that this effort will not increase unless the exemption is removed.

However, there are currently at least three models of digital wireless telephone which are either compatible or have very limited interference with hearing aids. These are the Samsung SCH3500, the

¹ 47 U.S.C. § 610(c)

Motorola v200, and the LGTM 510. The existence of those models shows that the technology needed for hearing aid compatibility is not only feasible but ready for mass-marketing.

As previously stated, the number of deaf and hard of hearing individuals is booming. This is an enormous and untapped market, which the CAN believes will bring great wealth to the industry if the FCC removes the exemption.

Implementation

Because technology already exists for making digital wireless telephone compatible with hearing aids, the CAN believes that an graduated implementation schedule no longer than two years (preferably shorter) would be reasonable to require that all digital wireless telephones sold after the final rule be compatible with hearing aids. This would mean that all digital wireless telephones should be compatible by 2004.